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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,779	08/24/2001	Frampton E. Ellis	P 0274516 GNC22US	9048
47604	7590	02/19/2008	EXAMINER	
DLA PIPER US LLP			STRANGE, AARON N	
P. O. BOX 9271			ART UNIT	PAPER NUMBER
RESTON, VA 20195			2153	
			MAIL DATE	DELIVERY MODE
			02/19/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/935,779

Applicant(s)

ELLIS, FRAMPTON E.

Examiner

Aaron Strange

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20071127; 20071221.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Since the only remaining rejections are under 35 U.S.C. § 112, the Examiner recommends conducting an interview to discuss any proposed amendments to ensure that they will overcome the rejections and place the application in condition for allowance. Applicant is encouraged to prepare a draft response to the present Office action and contact the Examiner to schedule an interview prior to filing the response.

### ***Response to Amendment***

2. Applicant's amendments filed 11/21/2007 are sufficient to overcome the rejection of claims 1-34, set forth in the Office action of 1/29/2007. The rejection of those claims under 35 U.S.C. § 103(a) has been withdrawn.

### ***Claim Objections***

3. Claim 11 is objected to under 37 CFR 1.75(b), as being substantially identical to claim 10. The only difference between claims 10 and 11 is that claim 11 recites "more than one independent components", where claim 10 recites "more than one independent component". The claims are identical in scope, and the use of the term "components" in claim 11 is grammatically incorrect.

Claim 11 must be cancelled or amended to "differ substantially from" claim 10. See 37 C.F.R. §1.75(b).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. With regard to claim 1, it is unclear what the preamble limitation "An apparatus, comprising" is referring to. The body of the claim recites "a plurality of inner firewalls ... configured to operate within a personal computer" and also states "the personal computer comprising at least two microprocessors". It is unclear if the "apparatus" referred to in the preamble is intended to include the firewalls, the personal computer, or both.

For the purpose of applying prior art and analyzing the claim under 35 U.S.C. § 101, the claimed "apparatus" has been interpreted as including the personal computer, with the firewalls operating within the personal computer. This interpretation is fully consistent with the specification (See, e.g., Abstract) and the Examiner recommends amending the claims to more clearly express this arrangement.

Claims 35 and 36 are also "apparatus" claims containing similar limitations, and are rejected under the same rationale.

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7. With regard to claim 6, the limitation "wherein the personal computer comprises a wireless network connection" is unclear. It is unclear how the computer may comprise a "connection". The Examiner recommends amending the claim to recite a hardware element, (i.e., a wireless network card) for connecting to the wireless network, or a similar limitation.

Claims 48 and 49 contain substantially identical limitations, and are rejected under the same rationale.

8. With regard to claim 20, the limitation "wherein the network of computers comprises a World Wide Web and/or an Internet" is unclear. The World Wide Web and the Internet are well known networks, and it is unclear if Applicant intends to refer to these well known networks or another "World Wide Web" or "Internet". The Examiner recommends amending the claim to recite "the World Wide Web and or the Internet" if Applicant intends to refer to these well known networks.

9. With regard to claims 21, the limitation "wherein the network connection comprises an optical fiber connection substantially directly to the personal computer" is unclear. The term "substantially" is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear how the optical fiber connection can be "substantially directly" to the personal computer.

10. All claims not individually rejected are rejected by virtue of their dependency from the above claims.

11. While the Examiner has not located any additional deficiencies with the claims, Applicant is encouraged to review the claims for clarity and to ensure that all claim terms have proper antecedent basis.

***Allowable Subject Matter***

12. Claims 1-49 appear to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS  
2/11/08

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